

Notice of Allowability

Application No.

10/733,612

Examiner

Tu-Tu Ho

Applicant(s)

HACKLER ET AL

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Papers filed 12/11/2003 and 11/24/2004.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☒ The drawings filed on 11 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

David Nelms
Supervisory Patent Examiner
Technology Center 2800

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species I, claims 1-5, 8-12, 15-34, and 37-39, in the reply filed on 11/24/2004 is acknowledged. However, the traversal is moot because the restriction requirement is withdrawn, as detailed below.

2. Claims 1, 8, 19, 27, and 38 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 6-7, 13-14, and 35-36, directed to Species II are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

3. Claims 1-39 are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or render obvious a static random access memory (SRAM) cell with all exclusive limitations as recited in claims 1, 8, 19, 27, and 38, comprising first and second PMOS transistors, first and second NMOS transistors, each of the transistor includes a bottom gate and a top gate insulated from the bottom gate, characterized in either that each of the transistors also include a source, a source extension, a drain, a drain extension, a first insulating spacer disposed

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between the top gate and the source and proximate to the source extension, and a second insulating spacer disposed between the top gate and the drain and proximate to the drain extension, or that each of the transistors also include a source, a drain, a gate insulator, a nitride dielectric, and a plurality of nitride exterior spacers disposed on the substrate and surrounding the bottom gate, nitride dielectric, source, drain, gate insulator and top gate, or that wherein the bottom gate of each NMOS transistor is coupled to ground, wherein the top gate of the first internal PMOS transistor is coupled to the top gate of the first internal NMOS transistor and to the second node, and wherein the top gate of the second internal PMOS transistor is coupled to the top gate of the second internal NMOS transistor and to the first node.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Copies of the references are not being furnished with this Office Action per MPEP § 707.05(a).

a) U.S. Patent 6,818,487 to Hsu et al. discloses a transistor, for SRAM applications, having a bulk/thin-film configuration, two pairs of source/drain regions, two channels, and a shared gate.

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b) U.S. Patent 5,384,731 to Kuriyama et al. discloses a SRAM having a plurality of transistors, each of the transistor could have a top gate or a bottom gate.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu-Tu Ho whose telephone number is (571) 272-1778. The examiner can normally be reached on 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID NELMS can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu-Tu Ho
February 10, 2005



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